

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JAMES J. HAYES, Individually and on Behalf of
All Others Similarly Situated,

Plaintiff,

v.

HARMONY GOLD MINING COMPANY
LIMITED,

Defendant.

Case No. 1:08 Civ. 03653-BSJ-MHD

NOTICE OF MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT

TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

PLEASE TAKE NOTICE that Class Counsel respectfully moves, on a date convenient to the Court, before the Honorable Barbara S. Jones, for an Order granting preliminary approval of the proposed Settlement of this securities class action, pursuant to Federal Rule of Civil Procedure 23(e). This motion is based upon the accompanying memorandum of law, the Stipulation and Agreement of Settlement and the exhibits attached to it, all prior proceedings held in this action, and other such matters and arguments as the Court may consider in the hearing of this Motion.

Dated: July 18, 2011

Respectfully submitted,

LAW OFFICES OF CURTIS V. TRINKO, LLP

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Class Counsel

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the July 18, 2011, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notice of electronic filing to all registered users.

/s/ Curtis V. Trinko
Curtis V. Trinko